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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2126

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/967,296

**Applicant(s)**

EDWARDS ET AL.

**Examiner**

VAN H NGUYEN

**Art Unit**

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/9/04</u> .                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-32 are presented for examination.
2. The cross reference related to the application cited in the specification must be updated (i.e., update the relevant status, with patent numbers where appropriate, on the amendment page 2). Correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-7, 9-13, 15-23, 25-29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach et al. (U.S. 6,549,937).
5. As to claim 1, Auerbach teaches the invention substantially as claimed including an object based interface for an industrial control system (abstract) comprising:
  - a server program receiving communications from a client program employing a standard object protocol (col.4, lines 51-54; col.5, lines 5-9; and fig.2);
  - a set of software objects including at least two third-party objects having differing proprietary object protocols also differing from the standard object protocol (abstract; col.2, lines 25-32; and col.5, lines 5-12); and

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- at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols (abstract; col.2, lines 21-32; and col.5, lines 27-43).

Auerbach does not explicitly teach objects from multiple vendors may be simply utilized by the client program.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Auerbach's teaching to include "objects from multiple vendors may be simply utilized by the client program" because this would have allowed any application program to effectively communicate with any service provider and can be further configured to support any functions or features supported by any service provider.

The facts that Auerbach's teachings "within the conversion platform layer, the data and commands transformed to conform with the messaging requirements and communication protocol of the different service providers" (abstract) and "transformed to conform... communication protocol of the different service providers in Auerbach suggests objects from multiple vendors may be simply utilized by the client program.

6. As to claim 2, Auerbach teaches the standard object protocol controls object features selected from the group consisting of: object creation, object destruction, setting parameters of the objects, invoking methods of the objects, subscribing to the events of objects, and canceling the event subscriptions (col.2, lines 35-41).

7. As to claim 3, Auerbach teaches the proprietary object protocol controls object features selected from the group consisting of: object creation, object destruction, setting parameters of

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the objects, invoking methods of the objects, subscribing to the events of objects, and canceling the event subscriptions (col.5, lines 10-37).

8. As to claim 4, Auerbach teaches the standard object protocol includes discovery instructions and wherein the object providers respond to the discovery instructions by identifying object features of the software objects with which they are associated (col.2, lines 35-53).

9. As to claim 5, Auerbach teaches the object features identified are selected from the group consisting of: the parameters of the objects, the methods of the objects, and the events of the object (col.5, lines 10-37).

10. As to claim 6, Auerbach teaches the client program communicates with the server program over a network the object providers expose proprietary objects that are associated with a URL (fig. 2 and associated text).

11. As to claim 7, Auerbach teaches the object providers are software objects that provide encapsulation of data passed to the proprietary software objects (col.6, lines 43-64).

12. As to claim 9, Auerbach teaches an interceptor monitoring communications between the server program and the object providers and executing a predetermined program in response to such communications (col.6, lines 1-13).

13. As to claim 10, Auerbach teaches the predetermined program performs at least one of the tasks of verifying license validity and recording a fee for use of the object (col.10, lines 30-43).

14. As to claim 11, Auerbach teaches an assenter communicating with the object providers and the proprietary software objects executing a predetermined program in response to such communications (col.6, lines 1-13).

15. As to claim 12, Auerbach teaches predetermined program performs at least one of the

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tasks of verifying license validity and recording a fee for use of the object (col.10, lines 30-43).

16. As to claim 13, Auerbach teaches an Internet interface and wherein the client program communicates with the server program through the Internet interface (fig.2 and associated text).

17. As to claim 14, Auerbach teaches the client program is a Java applet.

18. As to claim 15, Auerbach teaches the software objects include graphic display elements (col.6, lines 1-13 and col.10, lines 5-20).

19. As to claim 16, Auerbach teaches the software objects include a graphic control elements (col.6, lines 1-13 and col.10, lines 5-20).

20. As to claims 17-23, 25-29, and 31-32, note the rejection of claims 1-7, 9-13, and 15-16 above. Claims 17-23, 25-29, and 31-32 are the same as claims 1-7, 9-13, and 15-16, except claims 17-23, 25-29, and 31-32 are method claims and claims 1-7, 9-13, and 15-16 are system claims.

21. Claims 8, 14, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Auerbach et al.** in view of **Williams** (U.S. 6,591,272).

22. As to claim 8, Auerbach does not explicitly teach the proprietary software objects are selected from the group consisting of Java, Com, C++, XML, and Visual Basic objects.

Williams teaches the proprietary software objects are selected from the group consisting of Java, Com, C++, XML, and Visual Basic objects (col.7, lines 46-51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Williams and Auerbach because Williams's

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teaching would have provided the capability for adding a number of Java, Com, C++, XML, and Visual Basic features to Auerbach's system, and making Auerbach's system well suited for the World Wide Web environment.

23. As to claim 14, Auerbach does not explicitly teach the client program is a Java applet.

Williams teaches the client program is a Java applet (col.32, lines 60-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Williams and Auerbach because Williams's teaching would have provided the capability for adding a number of Java features, such as reusable, platform-independent components to Auerbach's system, and making Auerbach's system well suited for the World Wide Web environment.

24. As to claims 24 and 30, note the rejection of claims 8 and 14 above. Claims 24 and 30 are the same as claims 8 and 14, except claims 24 and 30 are method claims and claims 8 and 14 are system claims.

### ***Response to Arguments***

25. Applicant's arguments filed September 10, 2004 have been fully considered but they are not persuasive.

26. In the remarks, Applicant argued in substance that (a) Auerbach entirely fails to relate to an interface or other system that makes it possible for objects of different proprietary object protocols to be translated so as to conform to a standard object protocol at a server program so that the objects can then be communicated to a client program (b) Auerbach fails to disclose a set

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of software objects including at least two third-party objects having differing proprietary object protocols also differing from the standard object protocol (c) Auerbach fails to disclose at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols (d) Auerbach has nothing to do with enabling a client program such as a browser to utilize a variety of proprietary objects that are available at a server program.

27. Examiner respectfully traverses Applicant's remarks.

(i) As to point (a), Auerbach does teach a system for multi-protocol communication (see the abstract) that provides a conversion platform that converts from a standard communication protocol used by the user interface to protocol used by each of the service providers (col.2, lines 28-32). It is noted that the language "translated so as to conform to a standard object protocol at a server program so that the objects can then be communicated to a client program" is not presented in the claims. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978).

(ii) As to point (b), despite Applicant's assertions, the references do teach the recited claim limitations. Auerbach discloses a set of software objects (application program 104 executing on the client 102 and software objects executed by different service providers; col. 5, lines 7-12 and fig.2) including at least two third-party objects (software objects executed by (different service providers; col. 5, lines 7-12 and fig.2) having differing proprietary object protocols (different communication protocols; see the abstract) also differing from the standard



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object protocol (a standard protocol object used by the user interface to be converted to protocol used by each of the service provider; col.2, lines 25-32).

(iii) As to point (c), Auerbach meets at least two object providers (different service providers; see the abstract, col. 5, lines 7-12 and fig.2) each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols (col.2, lines 21-32 and col.5, lines 27-43).

(iv) As to point (d), Auerbach's suggestion "within the conversion platform layer, the data and commands **transformed to conform** with the messaging requirements **and communication protocol of the different service providers**" (see the abstract) could be applied to include the claim limitations.

28. Accordingly, Auerbach meets the limitations as broadly claimed by Applicant.

### ***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765.

The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:  
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